

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James and Lorie Jensen, et al.,

Civil No. 09-1775 (DWF/FLN)

Plaintiffs,

v.

ORDER

Minnesota Department of Human Services,
et al.,

Defendants.

WHEREAS, this Court has issued several orders in this matter stating the Court's intent that the settlement amounts will not affect, in any way, a Class Member's eligibility for disability benefits or other related benefits, or otherwise jeopardize the Class Member's benefits or programming. (*See* Doc. No. 136, December 5, 2011, Final Approval Order ("December 5 Order")) ¶ 7 ("The Court finds and concludes that, both legally and as a matter of equity and fairness, the individual settlement amount being awarded to each individual Class Member is not a resource for eligibility purposes and, consequently, an individual settlement amount will not affect, in any way, a Class Member's eligibility for disability benefits or other related benefits, or otherwise jeopardize the Class Member's benefits or programming. This provision contemplates that if any agency, entity, or individual, private or public, disputes the Court's jurisdiction to make this finding, both as a matter of law and equity; or, contends that a Class Member's eligibility should be affected, the entity or individual must file a motion and come before this Court to address the claim."); Doc. No. 140, January 30, 2012, Order at

n.2 (quoting same and stating: “The Court expressly finds that the apportioned amounts are not deemed income, a tax liability, or a resource to any Class Member. To treat the individual awards as such would be contrary to the December 5 Order and the intent of all parties to the Settlement Agreement.”)); (*See* Doc. No. 144, April 23, 2012) (April 23 Order) (further clarifying and precluding the expenditure of Settlement Funds for “costs of care,” unpaid bills or rent, and noting that the settlement funds are not a “resource,” are consistent with the use of a conservatorship account or blocked account, and mean that the Settlement Funds shall not be available or used for “support or maintenance,” including expenditures for food, clothing or shelter.); and

WHEREAS, the Court has been informed that the Social Security Administration has requested from the Minnesota Department of Human Services certain non-public information regarding the Class Members in order to effectuate the Court’s Orders in this matter, including the list of Class Members and payments amounts authorized in this matter, along with each such Class Member’s social security number,

IT IS HEREBY ORDERED:

1. The Minnesota Department of Human Services shall make available to the appropriate office(s) of the Social Security Administration, the list of Class Members authorized to receive payments in this matter, the amount of the payment, along with that Class Member’s social security number.

2. The Social Security Administration shall use this information solely for the purposes it was requested: to effectuate the Court’s Orders in this matter to assure that the funds awarded to each individual Class Member is not a resource for eligibility

purposes and, consequently, an individual settlement amount will not affect, in any way, a Class Member's eligibility for disability benefits or other related benefits, or otherwise jeopardize the Class Member's benefits or programming.

3. That all other Orders in this matter shall otherwise remain in full force and effect.

Dated: May 21, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge